IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14904 of 2002

Between:

Yerramalla Satyanarayana S/o Pullayya,

R/o Nimmalagudem, Buttaigudem Mandal, West Godavari District.

..... PETITIONER

AND

1. The Agent to Government/District Collector Tribal Welfare,
West Godavari District, Eluru.

2. The Special Deputy Collector, Tribal Welfare, K.R.Puram.

3. Mandal Revenue Officer, Buttaigudem Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, direction, writ, more particularly one in the nature of writ of Mandamus declared the action of the respondent in not complying the orders of the Special Deputy Collector (TW) K.R.Puram in S.R.No.67/93 dated 06-07-1993 is illegal, arbitrary and contrary to the provisions of A.P.S.A.L.T.Reg.1/59 as amended by 1/70 and consequentially direct the respondent to allow the petitioner to cultivate his lands.

Counsel for the Petitioner: MR. P. R. K. AMERANDRA KUMAR

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

Heard both sides.

2. The petitioner herein filed this writ petition *inter alia* seeking Writ of Mandamus to declare the action of the respondents in not complying the orders passed by the second respondent herein dated 06-07-1993 as illegal and further a direction that any action taken thereafter and in contrary thereto will be illegal.

3. The case of the petitioner in brief is that he has been in possession and enjoyment of the land in question in R.S.No.17 admeasuring Ac.3-00 cents and R.S.No.14 an extent of Ac.3-00 cents situated at Koyarajahmundry village, Buttaigudem Mandal of West Godavari District and the same was purchased by his father from the earlier owners and since then they have been in possession and enjoyment of the same. Earlier when the proceedings initiated against him, orders were passed by the second respondent in S.R.No.67/93 dated 06-07-1993. Inspite of the same, the same is not being implemented. Hence, the writ petition.

4. The learned Counsel appearing for the petitioner in support of his contention sought to place reliance on the decision of this Court in W.A.No.1584 of 1998 dated 25-12-2000, wherein this Court, while considering the similar circumstances and especially having regard to the similar type of orders passed by the concerned District Collector, gave a direction that the authorities shall not interfere with the possession of the land involved therein.

5. Having considered the submissions made and also on a perusal of the material on record, there is no serious dispute in regard to the land claimed by the petitioner.

Second respondent has already passed order and the same has become final and since the said order has not been challenged and especially having regard to the principles laid down by the Division Bench of this Court in the aforesaid decision, it is to be held that the petitioner is entitled to continue in possession of the land and any action on the part of the respondents either to interdict or to interfere with the possession of the land is illegal.

6. In view of the same, the writ petition is allowed. No costs.

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B. PRAKASH RAO, J

Dt.10-09-2004

Glv/Drk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

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Friday, day the Tenth day of September, Two thousand and four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The Agent to Government/District Collector Tribal Welfare,
West Godavari District, Eluru.

2. The Special Deputy Collector, Tribal Welfare, K.R.Puram.

3. Mandal Revenue Officer, Buttaigudem Mandal, West Godavari District.

4. Two CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (O.U.T)

5. Two C D copies.